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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,391	03/16/2004	Woonhee Hwang	944-003,207	3686
4955 7590 04/22/2010 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468				
EXAMINER				
VU, MICHAEL T				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/802,391

**Applicant(s)**

HWANG ET AL.

**Examiner**

MICHAEL T. VU

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 February 2010.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 50-64 and 66-68 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 50-64, 66-68 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/GS/US)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of claims 50-64, 66-68 in the reply filed on 02/02/2010 is acknowledged.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 50-64, 66-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seo et al (US 2003/0232622) in view of Pecan et al (US 7,181,223).**

**Regarding claims** 50, 53, 60, 61, 62, 64, 66, and 67, Seo teaches a method of configuring a radio uplink (transmitting and receiving an uplink [0003], and uplink control channel [0026]) comprising:

receiving information having both a cell specific parameter (Fig. 4 shows RNC-A and RNC-B receiving information included cells) and a radio link specific parameter (Fig. 4 shows Node-B1-3, or Base Station is included a radio link specific parameter), in respective messages on an interface between a network element (Fig. 4 shows Node-B1-3/Base Station, **a base station is a network element as noted**, and using a radio

resource control message [0040]) and a radio network controller for configuring the radio uplink from a user equipment to the network element (Fig. 4 shows RNC A/B configured interfaced to/from UE #419 via Node-B1-3, or Base Station to RNC A/B, [0029-0031], and [0040])

configuring the radio uplink at the network element (Node-B1-3, or Base Station, or network element configured/reconfigured a radio link includes message, [0040, [0101-0105]], and

Seo does not clearly teach receiving a payload packet from the user equipment to the network element over the radio uplink after the uplink is configured at the network element, wherein at least one of said respective messages enables said configuring the radio uplink.

However, Pecen teaches receiving a payload packet from the user equipment to the network element over the radio uplink after the uplink is configured at the network element (Figs. 6-8 shows a base station #320 received data from a mobile station #322, and Fig. 4 shows data payload); wherein at least one of said respective messages enables said configuring the radio uplink (Col. 2, lines 1-16), and (Col. 8, lines 48-67)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seo, with Pecen's teaching, in order to enhance the radio resources for supporting the mobile station in the use of radio and network resources in an efficiently such as packet switched network radio environment, e.g., GSM/GPRS system etc.

**Regarding claim 51**, Seo and Pecen teach the method of claim 50, Seo further discloses comprising: acknowledging correct reception of the payload packet at the network element on a radio downlink from the network element to the user equipment (Fig. 4 shows Node-B1-3/Base Station, a base station is a network element as noted, and using a radio resource control message [0040], and acknowledgement signal [0009].

**Regarding claim 52**, Seo and Pecen teach the method of claim 50. **Seo does not clearly teach** wherein said receiving by said network element includes receiving at least one parameter indicative of boundaries within which choices may be made by said network element.

However, Pecen teaches wherein said receiving by said network element includes receiving at least one parameter indicative of boundaries within which choices may be made by said network element (see indicate, or acknowledgement, Col. 2, lines 24-51), and (Col. 3, line 66- Col. 4, line 56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seo, with Pecen's teaching, in order to enhance the radio resources for supporting the mobile station in the use of radio and network resources in an efficiently such as packet switched network radio environment, e.g., GSM/GPRS system etc.

**Regarding claim 54**, Seo and Pecen teach the method of claim 53, Seo further discloses wherein said sending by said radio network controller includes sending at

least **one** parameter to said network element indicative of boundaries within which choices may be made by said network element [0011].

**Regarding claim 55**, Seo and Pecen teach the method of claim 53, Seo further discloses comprising sending the information on an interface between the radio network controller [0029] and another radio network controller for relay to another network element for configuring an uplink between the other network element and the user equipment [0029-0031].

**Regarding claim 56**, Seo and Pecen teach the method of claim 53, Seo further discloses wherein prior to said sending said information element on said interface between said network element and said radio network controller (controlled by RNC and the RNC that manages a service of a corresponding UE and take charge of a connections [0029]) said radio network controller decides a value for said cell specific parameter **or** said radio link specific parameter, **or** both, for said sending said information element with said cell specific parameter and said radio link specific parameter in said **one or more** messages on said interface from said radio network controller to said network element (determining a transmission power increment of the uplink, or the power offset value [0043-0045]).

**Regarding claim 57**, Seo and Pecen teach the method of claim 53, Seo further discloses wherein said radio network controller is responsive to signaling from said network element with a proposed value (power offset value, [0029], [0043-0045], [0079]) **or** values for said cell specific parameter [0078-0079], said radio link specific parameter [0043-0045], **or** both, and said radio network controller carries out said sending said

information element either confirming **or** changing said proposed value **or** values [0043-0045, 0078-0079].

**Regarding claim 58**, Seo and Pecen teach the method of claim 55, **Seo does not clearly teach** wherein said configuring the uplink between the other network element and the user equipment comprises configuring the uplink between the other network element and the user equipment followed by sending the payload packet from the user equipment to the other network element over the radio uplink between the user equipment.

However, Pecen teaches wherein said configuring the uplink between the other network element and the user equipment comprises configuring the uplink between the other network element (Figure #4 shows configured between the mobile station and the base station and RNC [0029-0031]) and the user equipment followed by sending the payload packet from the user equipment to the other network element over the radio uplink between the user equipment (Figure #8 a base station #320 received payload/data from a mobile station #322, and Fig. 4 shows data payload)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Seo, with Pecen's teaching, in order to enhance the radio resources for supporting the mobile station in the use of radio and network resources in an efficiently such as packet switched network radio environment, e.g., GSM/GPRS system etc.

**Regarding claim 59**, Seo and Pecen teach the method of claim 58, Seo further discloses comprising: acknowledging correct reception of the payload packet at the

network element on a radio downlink from the network element to the user equipment (Figure #4 shows configured between the mobile station and the base station and RNC that received payload/message [0029-0031]), and acknowledging correct reception of the payload packet at the other network element on a radio downlink from the other network element to the user equipment (acknowledgement signal [0009], and [0028-0029]).

**Regarding claim 63**, Seo and Pecen teach the apparatus of claim 62, Seo further discloses wherein the information is arranged to configure a second radio uplink between the second network element and the user equipment (Fig. 4 shows UE #419 configured to the second network element/Node-B1), the first radio network controller being configured to receive a payload packet from the network element over the first interface (Fig. 4 shows a first RNC-A received a payload/message from a Node-B), the second radio network controller being configured to receive the payload packet from the second network element after receipt by the second network element from the user equipment over the second radio uplink (Fig. 4 shows a second RNC-B configured to Node B3), and the second radio network controller being configured to send the payload packet received from the second network element to the radio network controller following the reception by the second network element from the user equipment for transfer from the second radio network controller to the first radio network controller (Fig. 4 shows the second RNC-B received a payload/message from the second Node B3, see [0029-0031]).



**Regarding claim 68**, Seo and Pecen teach the apparatus of claim 67, Seo further discloses wherein the network element is arranged to acknowledge reception of the payload packet [0009, 0029], on a radio downlink from the network element to the user equipment (Fig. 4 shows the second RNC-B received a payload/message from the second Node B3, see [0029-0031]).

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. VU whose telephone number is (571)272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles N. Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MICHAEL T VU/  
Examiner, Art Unit 2617

/Charles N. Appiah/  
Supervisory Patent Examiner, Art Unit 2617